EXHIBIT 3

PUBLIC REDACTED VERSION

** H I G H L Y C O N F I D E N T I A L **

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
Case No. 3:21-md-02981-JD

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IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
Epic Games Inc. v. Google LLC, et al.,
Case No: 3:20-cv-05671-JD

In re Google Play Consumer
Antitrust Litigation,
Case No: 3:20-cv-05761-JD

In re Google Play Developer
Antitrust Litigation,
Case No: 3:20-cv-05792-JD

State of Utah, et al.,
v. Google LLC, et al.,
Case No: 3:21-cv-05227-JD

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February 10, 2022
9:04 a.m.

Videotaped Deposition of JAMIE ROSENBERG, taken by Plaintiffs, pursuant to Notice, held via Zoom videoconference, before Todd DeSimone, a Registered Professional Reporter and Notary Public.

A P P E A R A N C E S :

Counsel for Plaintiff Epic Games, Inc. in:
Epic Games, Inc. v Google LLC, et al:

CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
BY: YONATAN EVEN, ESQ.
yeven@cravath.com
DAVID KUMAGAI, ESQ.
dkumagai@cravath.com
RAVI SINGH, ESQ.
rsingh@cravath.com

Counsel for Google LLC, et al:

MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
50th Floor
Los Angeles, California 90071-3426
BY: GLENN D. POMERANTZ, ESQ.
glenn.pomerantz@mto.com
LAUREN N. BECK, ESQ.
lauren.beck@mto.com

Counsel for the Proposed Class In re:
Google Play Developer Antitrust Litigation
and Pure Sweat Basketball, Inc:

HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue
Suite 202
Berkeley, California 94710
BY: BEN HARRINGTON, ESQ.
benh@hbsslaw.com

A P P E A R A N C E S: (Continued)
Counsel for the Proposed Class In re:
Google Play Consumer Antitrust Litigation:

BARTLIT BECK LLP
1801 Wewetta Street
Suite 1200
Denver, Colorado 80202
BY: KARMA M. GIULIANELLI, ESQ.
karma.giulianelli@bartlitbeck.com
GLEN E. SUMMERS, ESQ.
glenn.summers@bartlitbeck.com
- and -
BARTLIT BECK LLP
54 West Hubbard Street
Courthouse Place
Suite 300
Chicago, Illinois 60654
BY: LEE MASON, ESQ.
lee.mason@bartlitbeck.com

Counsel for Plaintiff States:

OFFICE OF THE UTAH ATTORNEY GENERAL
111 South Main Street
Suite 1800
Salt Lake City, Utah 84111
BY: BRENDAN GLACKIN, ESQ.
bglackin@agutah.gov

OFFICE OF THE MISSOURI ATTORNEY GENERAL
615 East 13th Street
Suite 401
Kansas City, Missouri 64106
BY: STEPHEN HOEPLINGER, ESQ.
stephen.hoeplinger@ago.mo.gov

ALSO PRESENT:

JEREMY JACOBSON, Law Clerk, Cravath

KATE SMITH, ESQ., Google

STEPHEN KENT, Videographer

PAUL RAFFERTY, Veritext Concierge Tech

THE VIDEOGRAPHER: Good morning. We are going on the record at 9:04 a.m. Pacific on February 10th, 2022.

Please mute your audio input if you are not a speaking party as your microphones are sensitive and can pick up whispering and background noise. Please turn off all cell phones or place them away from your computer as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit one of the video-recorded deposition of Jamie Rosenberg in the matter of In Re Google Play Antitrust Litigation, filed in the United States District Court for the Northern District of California, San Francisco Division, case number 3:21-MD-02981-JD. This deposition is being held via videoconference with the witness located in California.

My name is Stephen Kent from the firm Veritext Legal Solutions and I am

the videographer. The court reporter is Todd DeSimone also from Veritext Legal Solutions. I'm not authorized to administer an oath, I'm not related to any party in this action, nor am I financially interested in the outcome.

All appearances will appear on the stenographic record. Will the court reporter please swear in the witness.

* * *

J A M I E R O S E N B E R G,

called as a witness, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MS. GIULIANELLI:

Q. Good morning, Mr. Rosenberg. My name is Karma Giulianelli and I will be asking you questions today on behalf of the consumer class.

A. Good morning.

Q. Good morning. What is your name, for the record?

A. My name is Jamie Rosenberg.

Q. Is there anything that would interfere with your memory here today?

Play Store, right?
A. Yes.
Q. And it's true that the early rev share agreements for the Play Store were meant to incentivize carriers to prioritize Play, or then Android Marketplace, over other stores, correct?
MR. POMERANTZ: I object to form.
A. I don't know. I don't recall what the terms of those agreements were, just that, you know, part of the spirit of this was more about promoting Android itself and getting more engagement on Android as an ecosystem.
Q. And what is, within the context of this slide here, what is a walled garden?
A. In the context of that time period, the 2008 to two thousand whatever it would have been, I think some of the other -- some of the other smartphone platforms that were out there, other options for carriers, or if you think about WAP services, it was a very, you know, it

was a highly fragmented ecosystem. It wasn't even an ecosystem, it was basically kind of, you know, any major OEM or carrier was designing some sort of a -- some sort of a product approach.

What we were trying to pitch is let's create this as like an ecosystem where we have a platform that has a single story to developers in terms of developing for the platform and then make the scale of that available to all developers. That was the vision of Android as an open ecosystem and that we believed doing it that way would ultimately get much more engagement and innovation from developers because they would be able to develop once and reach a massive scale audience, if we pulled it off. And that time frame it wasn't certain that we were going to pull it off.

Q. One thing that the carriers were doing at this point in time was starting their own app stores, correct?

A. Well, a lot of them had app stores on other platforms. If they had Symbian phones or Nokia phones, if they

were, you know, WAP or Java or BREW, they were involved in some form in that.

Q. And did some of them have app stores on the Android platform, on the Android, Google-compatible Android as well?

A. Yes, and some of them still do.

Q. At that point in time were some of the carriers reserving carrier billing for their own stores as well?

A. That I don't -- I don't know or I don't recall. We were -- we were very interested in carrier billing. We thought it was a very helpful way for users to pay for -- pay for things on their phone. Users had a preexisting relationship with the carrier and, if done right in the product execution, it could be good for users and good for developers.

So we were interested in signing up as many carriers as possible to integrate our Play billing system with their billing system, and we have done that all over the world.

Q. Google gave carriers rev share from the Play Store in order to

disincentivize them from pursuing their own app stores, right?

A. I don't know that I would agree with that. We certainly wanted their partnership in making our app store successful.

Q. You wanted their partnership in making your app store the primary store, correct?

A. We had a vision of creating an app store that would serve the whole ecosystem, that's the pitch we made to them, that's what we told them we were investing in, and that that -- we felt that that was fundamental to making Android as a platform successful. So, you know, while many of them continued to have their own stores, and some still do, we wanted to find ways to partner with them on our store as well.

Q. You saw carrier app stores as threatening your vision of creating a single app store that would serve the whole ecosystem, right?

A. We felt -- I wouldn't -- I

wouldn't agree with that. I would say that we felt that having -- having an app store on Android that was consistently available on any Android phone, no matter the carrier, no matter the OEM, was really important. That didn't necessarily preclude, you know, carriers or OEMs from also investing in their own app stores, but we thought it was going to be very important to the advancement of Android to have, you know, one place where all the apps could be available to all the users.

Q. Have you ever said in words or substance to the effect that Google gave carriers rev share on Play in order to disincentivize them from building their own stores?

A. I don't -- I don't recall having said that.

Q. Look at, please, Exhibit 280, which is an exhibit that was marked before and it should be at the top here.

Is Exhibit 280 a -- well, Exhibit 280 is a [redacted]

[redacted]
A. I don't remember. I would have to look at the document to refresh my memory.
Q. Do you remember being involved in something called [redacted]?
A. I remember [redacted] as a code name.
Q. Were you involved in something with the code name [redacted]?
A. I would have been in discussions about it. I don't think I created this document.
Q. And I'm just going to ask you quickly to see if this refreshes your recollection, on the first slide there -- well, were you a Play lead at that time?
A. Yes.
Q. And I'm actually going to ask you about the slide that ends in 567, and the slide that ends in 567 is entitled [redacted], and the second to the last bullet [redacted]

[redacted]

Q. And this second to last bullet says [redacted]

Does that refresh your recollection that Google cut carriers in to Play rev share in order to disincentivize them from building their own stores?

A. You know, the way I would characterize it is, you know, carriers for the most part, they wanted to know the apps would be there, you know, that they had core businesses which were in phone service, network service, subscriber management, like that was -- that was how they built their business.

In the smartphone world, you know, a lot of them had been kind of spending a lot to try to make an app ecosystem work in the context of the small number of users they had, and, you know, when we told them look, we will bring -- we will manage the whole developer ecosystem,

we will bring all the apps, we will make sure the functionality is there, you know, for a lot of them that was -- that was helpful, and the economics were also to make them feel good about the fact that, you know, in these early days of Android that we were -- we were considering them partners in this.

And so, you know, the way that carriers were looking at this is in a lot of cases like this, this wasn't a core business for them, it might have been making money in some way, but what they really wanted was to make sure that they were, you know, putting compelling devices in front of users that would encourage data usage, you know, keep subscribers on their network, all of these things.

You know, I think over time most carriers viewed this as a helpful service we were providing on behalf of the ecosystem. In the early days, you know, there was -- there was economics I think to help smooth that transition for them, but it was -- I think it was a larger thing

that they were in search of, can we get all the apps there, can we have the best innovation and functionality available on these devices, particularly as, you know, Apple and iPhone were emerging with their strategy, with their app store.

Q. And in order for an app store to succeed, it really needs users across multiple carriers and OEMs; is that right?

A. I mean, it depends on -- it depends on the ambition of the app store, it depends on the effort of developers to create an app for the platform, the number of users they need to be motivated to do that.

But it was, you know, it was part of our pitch to this ecosystem that we were building that, you know, we would be making investments to recruit a developer ecosystem globally and provide the tools to those developers to build great things and provide the means for those developers to distribute those things as far and wide as possible.

Q. And your pitch to the carriers